

Smart admits affair with her husband's killer

By FRANK A. RICHARDSON
Derry News Staff

A composed Pamela Smart took the witness stand Monday and admitted to an affair with her husband's 16-year-old killer, but testified she broke it off just days before the slaying and denied playing any role in plotting the murder.

Under cross-examination, which was expected to conclude yesterday after press time, Smart admitted covering up her affair with William Flynn, 17, of Seabrook, during the investigation into her husband's murder, but said the teen and his two friends, who have confessed to the crime, acted alone and without her direction. She testified Flynn may have killed her husband in hopes of regaining her affection.

After 10 days of testimony in

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Pamela Smart

the highly-publicized trial, the case could go to the jury as early as today following closing arguments.

Smart, who lived in a Derry townhouse with the 24-year-old insurance salesman at the time of his death, is charged with being an accomplice to murder, conspiring to commit murder and witness tampering in connection with the May 1 killing.

While denying any knowledge
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of the murder plot before a jury that will decide whether the 23-year-old widow will be imprisoned for life, Smart readily answered and freely challenged questions aggressively posed by prosecuting attorney Paul Maggiotto. Maggiotto focused his questioning on the love affair Smart had with Flynn, who fired the fatal bullet into her husband's head, and why she withheld information about the case from police during the investigation.

Smart's decision to take the stand comes after damaging testimony heard during the last two weeks from the state's key witnesses, including a sorrowful Flynn, his two accomplices — Vance Lattime Jr., 18, and Patrick Randall, 17, of Seabrook — and Ralph Welch, 16, a close friend to whom the three teens confessed their role in the murder. Also testifying was Cecelia

Pierce, 16, Smart's former confidante and intern who is testifying against her after secretly tape recording incriminating conversations with the widow following the murder.

"I didn't think that Bill Flynn had anything to do with it at the time," said Smart of why she didn't tell police about the affair.

After repeated attempts to break off the love affair that began in February, Smart said she finally ended it the Friday before the murder. She testified she then confessed her infidelity to Gregg, whom she said had had a previous affair with another woman, and both decided to resolve their marital problems.

Asked by Maggiotto to rationalize why Flynn could have killed Gregg, Smart said, "I don't know why Bill Flynn killed Gregg. I can just come in here and give my testimony."

But pushed harder to analyze

the circumstances, she said, "probably because he thought we could be together. The only reason I wouldn't be with Bill was because I loved Gregg. I told Bill that I loved Gregg and that's why I was breaking up."

Smart also said she was driven to pursue an investigation of her own into the murder when police repeatedly refused to release any information about the homicide investigation.

While Pierce told the jury last Friday that she heard on several occasions Smart urging and instructing Flynn to commit the murder, Smart testified Monday she told Pierce that she planned it just to get information from the young woman.

"I expected that Cecelia Pierce might have more knowledge as soon as she started talking to me about the case after they were arrested," said Smart. "I thought she had knowledge. I didn't think she was specifically there the night

of the murder."

Pierce told the court Friday that she had suggested Smart opt for a divorce over having her husband murdered, but the Smart said Gregg's death would be the only way for her to get out of the marriage with money, furniture, and the couple's dog. She also said Smart told her that Gregg would never let her date other men freely if she got a divorce.

Testimony in the case has been heard by 15 jurors, 12 of whom will be randomly selected for deliberations. While the burden of proving Smart's involvement in the murder rests on the prosecution, Smart's attorney must raise reasonable doubt in the mind of just one of the 12 jurors for their client to go free.

If convicted of the accomplice-to-murder and conspiracy charges, Smart will face life imprisonment without parole.